

fact, has several deficiencies, as demonstrated above. Therefore, the Commission should reconsider imposing a utilization threshold requirement on non-pooling carriers.

III. IF THE COMMISSION RETAINS THE UTILIZATION THRESHOLD REQUIREMENT, IT SHOULD ALLOW CARRIERS TO CALCULATE UTILIZATION AT THE SWITCH LEVEL IF A CARRIER OPERATES MULTIPLE SWITCHES IN A SINGLE RATE CENTER

In its July 11, 2000 *Public Notice*, the Commission stated that carriers could not calculate MTE utilization on a per switch basis.⁴⁴ According to the Commission, “this calculation is to be made at the rate center level.”⁴⁵ Although BellSouth supports calculating utilization at the rate center level if a carrier operates a single switch in that rate center, it urges the Commission to allow a carrier to calculate utilization on a per-switch basis if the carrier operates multiple switches in a single rate center.”⁴⁶ This approach is necessary because telephone numbers are assigned at the switch level and, in the absence of pooling, cannot be shared easily among multiple switches.

Requiring the calculation of utilization at the rate center level, regardless of whether a carrier operates multiple switches in a rate center, is inappropriate and could deprive carriers of access to numbering resources. For example, if a carrier operates two switches in a rate center, one of the switches may have a high utilization and the other may have a low utilization. This

(filed May 19, 2000); Verizon Comments at 6-7 (filed May 19, 2000); Winstar Comments at 4-5 (filed May 19, 2000).

⁴⁴ *Common Carrier Bureau Responses to Questions in the Numbering Resource Optimization Proceeding*, CC Docket No. 99-200, *Public Notice*, DA 00-1549, at 3 (rel. July 11, 2000) (“*Public Notice*”).

⁴⁵ *Public Notice* at 3.

⁴⁶ USTA Comments at 4 (filed May 19, 2000).

carrier should not be precluded from obtaining additional numbers because the overall combined utilization of the rate center does not satisfy a specific threshold. BellSouth therefore urges the Commission to reconsider its decision to prohibit a carrier from calculating utilization on a per-switch basis if the carrier operates multiple switches in a single rate center.

IV. THE COMMISSION SHOULD CLARIFY THAT AN NPA IS ELIGIBLE FOR POOLING IMPLEMENTATION IF IT HAS A “TRUE” LIFE SPAN OF AT LEAST ONE YEAR

In order to justify a request for pooling authority prior to the implementation of national pooling, state commissions must demonstrate that: (1) an NPA in its state is in jeopardy; (2) *the NPA in question has a remaining life span of at least a year*; and (3) the NPA is in one of the largest MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable.⁴⁷

BellSouth is concerned that state commissions may use rationing to extend the life of NPAs in order to meet the requirements for pooling authority in those NPAs. If this were to occur, many more NPAs would be eligible for pooling that would be the case without rationing. To avoid this situation, the Commission should clarify that the life expectancy of the NPA for which pooling authority is sought must be based on the “true” life of the NPA – not the artificial life obtained by conservation measures such as rationing.

Although the Commission’s recent *Public Notice* purports to clarify this issue, the answer remains unclear. When asked whether the requirement that an NPA have a remaining life span of at least one year in order to be considered in the initial pooling rollout includes an NPA whose life expectancy is increased due to lottery, the Commission responded: “The NPA in question

⁴⁷ *NRO Order*, ¶ 170 (emphasis added).

must have a remaining life span of at least one year according to the most recent NANPA projections.”⁴⁸ This answer does not adequately address the question.

The Commission must state with clarity that the life expectancy of the NPA for which pooling authority is sought must be based on the “true” life of the NPA – not the artificial life obtained by rationing. This distinction is extremely important. As demonstrated by the various state pooling trials occurring today, if number pooling is to have any real value, it needs to be implemented earlier in the life of an NPA, not at a point near or at actual exhaust. Further, the Commission should re-emphasize that number pooling does not relieve state commissions from their obligations to provide timely area code relief⁴⁹ and to ensure equal and non-discriminatory access to numbering resources for all carriers.⁵⁰

⁴⁸ *Public Notice* at 4.

⁴⁹ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717*, NSD File No. L-97-42; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *Memorandum Opinion and Order and Order on Reconsideration*, 13 FCC Rcd 19009, 19027, ¶ 26 (1998) (“State commissions may not use conservation measures as substitutes for area code relief or to avoid making difficult and potentially unpopular decisions on area code relief.”) (“*Pennsylvania Order*”); *Florida Order*, 14 FCC Rcd at 17509, ¶ 8 (“The grants of authority herein are not intended to allow the Florida Commission to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief.”).

⁵⁰ *Pennsylvania Order*, 13 FCC Rcd at 19027, ¶ 27 (“No carrier, however, may be denied a NXX code so that it can be saved for pooling purposes. If a NXX code exhaust situation in an area code becomes so dire that there are not NXXs available to assign to carriers, the NXXs that have been withheld from assignment must be made available for carriers”); *Pennsylvania Order*, 13 FCC Rcd at 19033, ¶ 38 (“State commissions, by declining to implement area code relief, should not put carriers in the position of having no numbers and therefore being unable to serve customers. . . . For competition to develop, all carriers must have access to numbering resources.”).

V. IF THE COMMISSION CONTINUES TO GRANT INTERIM POOLING AUTHORITY ON A STATE-BY-STATE BASIS, IT MUST ENSURE THAT SIMULTANEOUS STATE POOLING EFFORTS DO NOT EXCEED THE MAXIMUM ROLLOUT SCHEDULE.

BellSouth is extremely concerned about the lack of coordination among the states with respect to pooling trials and the possible strain on resources if the Commission continues to grant pooling authority on a state-by-state basis. The *NRO Order* limits the rollout of pooling to three NPAs per NPAC region per quarter.⁵¹ The Commission established this parameter to “ensure that [the] rollout schedule does not strain resources of the national thousands-block number Pooling Administrator” and to “provide carriers time to upgrade or replace their SCPs [Service Control Points] and other components of their network”⁵²

There is a real risk that this rollout schedule could be disrupted if the Commission continues to grant pooling authority to individual states without any type of coordination. At least 6 states have commenced pooling trials (Illinois, California, New Hampshire, Maine, New York, and Texas), and 5 others have been granted pooling authority. Another 15 states are awaiting decisions from the Commission regarding their requests for pooling authority.

BellSouth’s nine-state region offers an illustrative example of the potential problem of conflicting pooling efforts. One state (Florida) has received pooling authority, and four states (Georgia, Kentucky, North Carolina, and Tennessee) have petitions pending with the Commission seeking similar authority. Unless the Commission requires coordination, there is a strong possibility that there could be multiple pooling trials in BellSouth’s region that exceed the limit of three NPAs per NPAC region per quarter. For example, the Florida commission has

⁵¹ *NRO Order*, ¶ 159.

⁵² *Id.*

already ordered pooling to commence in two NPAs in the first quarter of 2001 and one NPA in the second quarter 2001. Thus, the schedule for first quarter 2001 for the NPAC region encompassing Florida can only accommodate one additional NPA.

To ensure that neither the NANPA nor carriers are overburdened by multiple state pooling efforts, the Commission should require strict compliance with the rollout schedule (no more than three NPAs per NPAC region per quarter). If the states are unable to coordinate among themselves when conflicts arise, the Commission must be willing to step in and assume the role of final arbiter. Otherwise, the NANPA and carriers may be caught in the middle as state regulators seek to implement overlapping pooling trials.

VI. THE COMMISSION SHOULD CLARIFY THE MEANING OF THE PHRASE “APPLICABLE ACTIVATION DEADLINE” IN THE NEW RECLAMATION RULES.

The *NRO Order* authorizes the NANPA and the Pooling Administrator to “initiate reclamation within sixty days of expiration of the service provider’s applicable activation deadline.”⁵³ There is ambiguity regarding the meaning of the phrase “service provider’s applicable activation deadline.” Therefore, BellSouth requests clarification. BellSouth interprets the “service provider’s applicable activation deadline” as the date that the NXX code has been activated in the LERG. Based on this interpretation, service providers would have 60 days after the date the NXX code has been activated in the LERG to initiate service to a customer.

⁵³ To be codified at 47 C.F.R. § 52.15(i)(6).

CONCLUSION


BellSouth respectfully urges the Commission to modify and clarify the *NRO Order* as requested herein. Such action by the Commission will help ensure uniform compliance with the new reporting requirements, provide a more accurate assessment of number utilization among carriers, and facilitate the deployment of number pooling in a coordinated manner.

Respectfully submitted,

BELLSOUTH CORPORATION

Its Attorneys

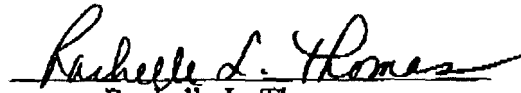
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CERTIFICATE OF SERVICE

I do hereby certify that I have this 17th day of July, 2000, served the following parties to this **BELLSOUTH PETITION FOR RECONSIDERATION AND CLARIFICATION**, reference CC Docket No. 99-200, by hand delivery, or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties as set forth on the attached service list.


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